

# EXTRAORDINARY SESSION

## JOURNAL OF THE SENATE

Thursday, July 19, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, July 18, 1945.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President	Clarke	Johns	Perdue
Ausley	Coleman 13th	Johnson	Riddle
Barringer	Coleman 28th	King 7th	Sanchez
Baynard	Davis	King 27th	Shands
Beacham	Fraser 29th	Lewis	Sheldon
Brackin	Fraser 31st	Lindler	Sturgis
Branch	Gray	McArthur	Thomas
Carroll	Griner	Moon	Wilson

—32.

A quorum present.

Senators Black, Boyle, Bryant, Mathews and McKenzie were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"O Lord, to Thee we owe all that we are and all that we shall be. Give us the grace to make Thee Lord and Master of our lives, that in Thy service we may find the best and highest of human achievement. Thou, who knowest the heart of man, give us clean thoughts and unselfish motives, and inspire us by Thy love to value men highly and serve them faithfully. Reveal to us Thy holy pattern for our little lives. We recognize our unworthiness, but we humbly pray that we shall be temples which reflect the beauty of Thy grace and the simplicity of the holy life. In Christ's name we pray. Amen."

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Davis, Ausley, Brackin, Fraser (29th Dist.), Gray, Lewis, Perdue, Riddle, Sanchez and Thomas—

Senate Joint Resolution No. 28-X:

A Joint Resolution declaring that an emergency exists within the meaning, intent and purview of Section 3, of Article VII of the Constitution of Florida; proposing an amendment to Article VII of the Constitution of the State of Florida relating to apportionment of representation in the Legislature by adding an additional Section thereto to provide that there shall be forty-eight Senatorial Districts.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That reapportionment of representation in the Legislature constitutes an emergency such as will require an early decision by the electors of the State; that the following amendment to Article VII of the Constitution of the State of Florida, relative to census and apportionment be and the same is hereby agreed to and shall be submitted to the Electors of the State of Florida for ratification or rejection at a Special Election to be held on the first Tuesday after the first Monday in November A. D. 1945:

"Section 6. From and after January 1, 1947 there shall be forty-eight Senatorial Districts in the State of Florida, which shall be each represented in the Senate of the State of Florida by one Senator and which Districts shall be numbered as follows, and consist respectively of the following counties:

First District—Okaloosa County.

Second District—Escambia County.

Third District—Holmes County and Washington County.

Fourth District—Jackson County.

Fifth District—Liberty County, Franklin County and Wakulla County.

Sixth District—Gadsden County.

Seventh District—Polk County.

Eighth District—Leon County.

Ninth District—Hernando County and Citrus County.

Tenth District—Madison County.

Eleventh District—Pinellas County.

Twelfth District—Dixie County and Gilchrist County.

Thirteenth District—Dade County.

Fourteenth District—Columbia County.

Fifteenth District—Bradford County and Union County.

Sixteenth District—Nassau County.

Seventeenth District—Suwannee County.

Eighteenth District—Duval County.

Nineteenth District—Orange County.

Twentieth District—Marion County.

Twenty-first District—Levy County.

Twenty-second District—Jefferson County.

Twenty-third District—Lake County.

Twenty-fourth District—Lee County.

Twenty-fifth District—Bay County.

Twenty-sixth District—Putnam County.

Twenty-seventh District—DeSoto County, Hardee County and Highlands County.

Twenty-eighth District—Volusia County.

Twenty-ninth District—Clay County and Baker County.

Thirtieth District—Hamilton County.

Thirty-first District—St. Johns County and Flagler County.

Thirty-second District—Alachua County.

Thirty-third District—Osceola County and Okeechobee County.

Thirty-fourth District—Hillsborough County.

Thirty-fifth District—Palm Beach County.

Thirty-sixth District—Sarasota County and Charlotte County.

Thirty-seventh District—Seminole County.

Thirty-eighth District—Pasco County and Sumter County.

Thirty-ninth District—Santa Rosa County.

Fortieth District—Walton County.

Forty-first District—Calhoun County and Gulf County.

Forty-second District—Taylor County and Lafayette County.

Forty-third District—Brevard County.

Forty-fourth District—Indian River County, St. Lucie County and Martin County.

Forty-fifth District—Manatee County.

Forty-sixth District—Collier County, Glades County and Hendry County.

Forty-seventh District—Broward County.

Forty-eighth District—Monroe County."

Those Senators holding over in office shall, during that part of their respective terms of office succeeding the date of the adoption of this constitutional amendment amending Article VII, each be deemed and held to be the Senator representing the Senatorial District embracing the County in which he resides; provided he shall not have removed his place of residence in the meantime from said Senatorial District.

All Senators, except as hereinafter provided and except when vacancies are to be filled, are to be elected for four years. The Senators representing the Thirty-ninth District, Forty-first District, Forty-third District, Forty-fifth District and the Forty-seventh District shall be elected at the general election to be held in November A. D. 1946, and shall be elected to serve for

a period of two years, and thereafter shall be elected at the time and shall serve for the period provided by law for Senators representing the odd numbered Districts of the State of Florida. The Senators representing the Fortieth, Forty-second, Forty-fourth, Forty-sixth and Forty-eighth Senatorial Districts shall be elected at the general election to be held in November A. D. 1946, and shall be elected to serve for a period of four years, and thereafter shall be elected at the time and shall serve for the period provided by law for Senators representing the even numbered Districts of the State of Florida.

Which was read the first time in full.

Senator Davis moved that the rules be waived and Senate Joint Resolution No. 28-X be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

#### SENATE CONCURRENT RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution No. 6-X was taken up in its order and the consideration thereof was informally passed.

#### UNFINISHED BUSINESS

Senate Joint Resolution No. 19-X:

WHEREAS; it is the duty of the Legislature under the Constitution of the State of Florida to at this time reapportion the Senate and

WHEREAS; the Legislature has been in the special session for more than 30 days and the hope of reapportionment of the Senate by Act of the Legislature has become practically impossible and

WHEREAS; the many members of the Legislature who have expressed themselves favoring a form of reapportionment provided same would not distribute, abolish or consolidate other Senatorial districts; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That Section 3, Article 7, of the Constitution of the State of Florida shall be amended to read as follows:

Section 3. The Legislature that shall meet in regular session A. D. 1947, and those that shall meet every ten years thereafter, shall apportion the Representation in the Senate and shall provide for thirty-eight (38) Senatorial Districts, such Districts to be as nearly equal in population as practicable; but no County shall be divided in making such apportionment, and each District shall have one Senator; however, the Legislature shall not disturb any of the Senatorial Districts as provided by Chapter 16780 Acts of 1935, provided that at any time between such Legislature apportionments that the Federal or State Census shall show that the population of any one or more Senatorial Districts, as theretofore established by Legislature apportionment, exceeds 59,133 major fraction thereof there shall be elected Senators from the State at Large, one Senator for each 100,000 or major fraction thereof not to exceed twelve such Senators at Large; and call and notice for the election of such Senators at Large shall be made and published at the same time and in the same manner as for Senators from the several Senatorial Districts. Such State Senators at Large shall possess the same eligibility and qualifications as other State Senators and hold this office for four years from this election, unless and until the Legislature shall provide by law for their alternate election in harmony with the terms of Senators from the several Senatorial Districts; and at the same time, the Legislature shall also apportion the Representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous Counties, and two (2) Representatives to each of the next eighteen more populous Counties, and one Representative of each of the remaining Counties of the State at the time of such apportionment. Should the Legislature fail to apportion the Representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the Representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, whichever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportion-

ment. In the event the Legislature shall fail to reapportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in Extraordinary Session to consider the question of reapportionment and such Extraordinary Session of the Legislature is hereby mandatorily required to reapportion the representation as required by this Amendment before its adjournment (and such Extraordinary Session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment).

Which was pending roll call, having been read the third time in full on July 18, 1945, was taken up in its order.

By unanimous consent Senator Sheldon offered the following amendment to Senate Joint Resolution No. 19-X:

In (typewritten bill) at the end of the third paragraph on page one, add the following paragraph:

"BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That an emergency now exists pursuant to the provisions of Section 3 of Article XVII of the Constitution of the State of Florida, requiring an early decision of the electors of this State for the adoption or rejection of an amendment to the Constitution of the State of Florida dealing with reapportionment of the State Senate; and"

Senator Sheldon moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Upon the passage of Senate Joint Resolution No. 19-X, as amended, which reads as follows:

Senate Joint Resolution No. 19-X:

WHEREAS; it is the duty of the Legislature under the Constitution of the State of Florida to at this time reapportion the Senate and

WHEREAS; the Legislature has been in the special session for more than 30 days and the hope of reapportionment of the Senate by Act of the Legislature has become practically impossible and

WHEREAS; the many members of the Legislature who have expressed themselves favoring a form of reapportionment provided same would not distribute, abolish or consolidate other senatorial districts; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That an emergency now exists pursuant to the provisions of Section 3 of Article XVII of the Constitution of the State of Florida, requiring an early decision of the electors of this State for the adoption or rejection of an amendment to the Constitution of the State of Florida dealing with reapportionment of the State Senate; and

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That Section 3, Article 7, of the Constitution of the State of Florida shall be amended to read as follows:

Section 3. The Legislature that shall meet in regular session A. D. 1947, and those that shall meet every ten years thereafter, shall apportion the Representation in the Senate, and shall provide for thirty-eight (38) Senatorial Districts, such Districts to be as nearly equal in population as practicable; but no County shall be divided in making such apportionment, and each District shall have one Senator; however, the Legislature shall not disturb any of the Senatorial Districts as provided by Chapter 16780 Acts of 1935, provided that at any time between such Legislature apportionments that the Federal or State Census shall show that the population of any one or more Senatorial Districts, as theretofore established by Legislature apportionment, exceeds 59,133 major fraction thereof there shall be elected Senators from the State at Large, one Senator for each 100,000 or major fraction thereof not to exceed twelve such Senators at Large; and call and notice for the election of such Senators at Large shall be made and published at the same time and in the same manner as for Senators from the several Senatorial Districts. Such State Senators at Large shall possess the same eligibility and qualifications as other State Senators and hold this office for four years from this election, unless and until the Legislature shall provide by law for their alternate elec-

tion in harmony with the terms of Senators from the several Senatorial Districts; and at the same time, the Legislature shall also apportion the Representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous Counties, and two (2) Representatives to each of the next eighteen more populous Counties, and one Representative of each of the remaining Counties of the State at the time of such apportionment. Should the Legislature fail to apportion the Representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the Representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, whichever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to reapportion the representation in the Legislature as required by this Amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in Extraordinary Session to consider the question of reapportionment and such Extraordinary Session of the Legislature is hereby mandatorily required to reapportion the representation as required by this Amendment before its adjournment (and such Extraordinary Session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment).

The roll was called and the vote was:

Yeas—4.

Brackin	Johns	Sanchez	Sheldon
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Nays—28.

Mr. President	Coleman 13th	King 7th	Shands
Ausley	Coleman 28th	King 27th	Sturgis
Barringer	Davis	Lewis	Thomas
Baynard	Fraser 29th	Lindler	Wilson
Beacham	Fraser 31st	McArthur	
Branch	Gray	Moon	
Carroll	Griner	Perdue	
Clarke	Johnson	Riddle	

So Senate Joint Resolution No. 19-X, as amended, failed to pass.

#### SENATE BILLS ON THIRD READING

Senate Bill No. 8-X and Senate Joint Resolution No. 21-X were taken up in their order and the consideration thereof was informally passed.

#### SENATE BILLS ON SECOND READING

Senate Joint Resolutions Nos. 14-X and 15-X, Senate Bills Nos. 16-X and 22-X, Senate Joint Resolution No. 26-X and Senate Bill No. 27-X were taken up in their order and the consideration thereof was informally passed.

Senator Gray asked unanimous consent of the Senate to take up and consider Senate Joint Resolution No. 26-X, out of its order, at this time.

Which was agreed to.

S. J. R. No. 26-X—A Joint Resolution declaring that an emergency exists within the meaning, intent and purview of Section 3, of Article VII of the Constitution of Florida; proposing an amendment to Article VII of the Constitution of the State of Florida relating to apportionment of representation in the Legislature by adding an additional Section thereto to provide that there shall be forty-six Senatorial Districts.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That reapportionment of representation in the Legislature constitutes an emergency such as will require an early decision by the electors of the State; that the following amendment to Article VII of the Constitution of the State of Florida, relative to census and apportionment be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at a Special Election to

be held on the first Tuesday after the first Monday in November, A. D. 1945:

"Section 6. From and after January 1, 1947 there shall be forty-six Senatorial Districts in the State of Florida, which shall be each represented in the Senate of the State of Florida by one Senator and which Districts shall be numbered as follows and consist respectively of the following counties:

First District—Okaloosa County.

Second District—Escambia County.

Third District—Walton County.

Fourth District—Jackson County.

Fifth District—Liberty County, Franklin County and Wakulla County.

Sixth District—Gadsden County.

Seventh District—Polk County.

Eighth District—Leon County.

Ninth District—Hernando County and Citrus County.

Tenth District—Madison County.

Eleventh District—Pinellas County.

Twelfth District—Taylor County, Lafayette County and Dixie County.

Thirteenth District—Dade County.

Fourteenth District—Columbia County.

Fifteenth District—Bradford County and Union County.

Sixteenth District—Nassau County.

Seventeenth District—Suwannee County.

Eighteenth District—Duval County.

Nineteenth District—Orange County.

Twentieth District—Marion County.

Twenty-first District—Levy County.

Twenty-second District—Jefferson County.

Twenty-third District—Lake County.

Twenty-fourth District—Lee County, Collier County and Hendry County.

Twenty-fifth District—Bay County.

Twenty-sixth District—Putnam County.

Twenty-seventh District—DeSoto County and Highlands County.

Twenty-eighth District—Volusia County.

Twenty-ninth District—Clay County and Baker County.

Thirtieth District—Hamilton County.

Thirty-first District—St. Johns County and Flagler County.

Thirty-second District—Alachua County and Gilchrist County.

Thirty-third District—Osceola County and Okeechobee County.

Thirty-fourth District—Hillsborough County.

Thirty-fifth District—Palm Beach County.

Thirty-sixth District—Glades County, Sarasota County and Charlotte County.

Thirty-seventh District—Seminole County and Brevard County.

Thirty-eighth District—Pasco County and Sumter County.

Thirty-ninth District—St. Lucie County, Indian River County and Martin County.

Fortieth District—Broward County.

Forty-first District—Calhoun County and Gulf County.

Forty-second District—Manatee County.

Forty-third District—Santa Rosa County.

Forty-fourth District—Holmes County and Washington County.

Forty-fifth District—Monroe County.

Forty-sixth District—Hardee County.”

Those Senators holding over in office shall, during that part of their respective terms of office succeeding the date of the adoption of this constitutional amendment amending Article VII, each be deemed and held to be the Senator representing the Senatorial District embracing the county in which he resides; provided he shall not have removed his place of residence in the meantime from said Senatorial District.

All Senators, except as hereinafter provided and except when vacancies are to be filled, are to be elected for four years. The Senators representing the Thirty-ninth District, Forty-first District, Forty-third District and the Forty-fifth District shall be elected at the general election to be held in November A. D. 1946, and shall be elected to serve for a period of two years, and thereafter shall be elected at the time and shall serve for the period provided by law for Senators representing the odd numbered Districts of the State of Florida. The Senators representing the Fortieth, Forty-second, Forty-fourth and Forty-sixth Senatorial Districts shall be elected at the general election to be held in November A. D. 1946, and shall be elected to serve for a period of four years, and thereafter shall be elected at the time and shall serve for the period provided by law for Senators representing the even numbered districts of the State of Florida.

Was taken up and read the second time in full.

Senator Gray moved that the rules be waived and Senate

Joint Resolution No. 26-X be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 26-X was read the third time in full.

Upon the passage of Senate Joint Resolution No. 26-X the roll was called and the vote was:

Yeas—14.

Ausley	Fraser 29th	McArthur	Thomas
Brackin	Gray	Perdue	Wilson
Clarke	Griner	Riddle	
Davis	Lewis	Sanchez	

Nays—17.

Mr. President	Coleman 13th	King 7th	Sheldon
Barringer	Coleman 28th	King 27th	Sturgis
Baynard	Fraser 31st	Lindler	
Beacham	Johns	Moon	
Carroll	Johnson	Shands	

So Senate Joint Resolution No. 26-X failed to pass.

Senator Shands moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 12:26 o'clock P. M., until 11:00 o'clock A. M., Friday, July 20, 1945.